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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEB 12 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Redevelopment of Spectrum to)	ET Docket No. 92-9
Encourage Innovation in the)	
Use of New Telecommunications)	RM-7981
Technologies)	RM-8004

REPLY COMMENTS OF THE
NORTH AMERICAN TELECOMMUNICATIONS ASSOCIATION

The North American Telecommunications Association ("NATA") submits the following reply to comments filed in response to the First Report and Order and Third Notice of Proposed Rulemaking ("Third Notice") in these proceedings, FCC 92-437, released October 16, 1992. In this Notice, the Commission requested comment on aspects of its plan for relocation of fixed microwave licensees currently occupying the band of frequencies in the vicinity of 2 GHz. The Commission has decided to reallocate this band for use by applications of emerging technologies, including personal communications service ("PCS").

NATA's concern is with the portion of the 2 GHz band that will be allocated for unlicensed PCS. See Amendment of the Commission's Rules to Establish New Personal Communications Services, Notice of Proposed Rulemaking and Tentative Decision, 7 FCC Rcd 5676, 5693 (1992). Many parties agree with NATA that there are special considerations involved in the application of the Commission's relocation plan to this portion of the 2 GHz band. As a number of parties explain, many kinds of PCS devices that would be used in this band are highly portable and could not be broadly introduced

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into the marketplace until the band is completely cleared. Telocator at 13-14; ROLM at 2; American Personal Communications ("APC") at 8; Apple Computer, Inc. These parties recognize that advance clearing is especially critical for unlicensed PCS, and that, by definition, there is no licensee who can be expected to handle spectrum clearing for these frequencies. For these reasons, the Commission should ensure that its relocation plan takes account of these concerns and does not unduly burden the development and deployment of wireless PBXs and other unlicensed PCS technologies.

One area of concern is the need for the Commission to establish a collective industry entity to invoke spectrum clearing procedures on behalf of the unknown future users of the spectrum allocated for unlicensed PCS. There is general agreement that such a collective industry entity is needed and that it will require a mechanism for funding -- and recovering from the ultimate beneficiaries -- the cost of compensating microwave licensees for relocation pursuant to the procedures established by the Commission. Parties interested in unlicensed PCS are meeting regularly to determine how best to structure such a mechanism. NATA is participating in these meetings, and we are working with other parties to develop a concrete proposal for the Commission's consideration.

A second area of concern is the transition period for unlicensed PCS. Applying a long transition period such as five years to unlicensed PCS spectrum, as recommended by the Utilities Telecommunications Council (at 23), would make it impractical to

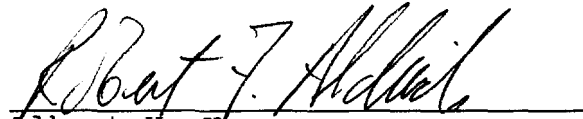
clear the portion of the spectrum allocated for unlicensed devices. Since unlicensed devices generally cannot co-exist with existing microwave licensees, spreading out the negotiation process over many years would force long delays in the actual deployment of unlicensed PCS. The prospect of such delays in turn would make it extremely difficult or impossible to raise the necessary funds to accomplish the transition. In order to fund the relocation process for unlicensed PCS, there must be assurances that the funds expended to compensate microwave licensees can be recovered in a reasonable time from the ultimate beneficiaries of unlicensed PCS. Otherwise, the necessary funds cannot be raised in advance.

Therefore, a long transition period is inconsistent with the successful implementation of unlicensed PCS. As the Commission suggested in the Notice, there should be no transition period for unlicensed PCS frequencies. APC at 8; Apple at 10. If any transition period is deemed necessary for unlicensed PCS, it should be no longer than a year. ROLM at 3-4. A number of microwave licensees agree that the transition period for unlicensed PCS frequencies should be of minimum length. See, e.g., American Petroleum Institute at 11-12 (advocating shortened transition period for unlicensed PCS); Commonwealth Edison Company at 9-10 (advocating one-year transition period for unlicensed PCS).

A third area of concern is the treatment of public safety microwave licensees. As a number of parties point out, the Commission's plan to exempt these licensees from mandatory relocation appears inconsistent with the generally acknowledged

need for clear spectrum for unlicensed devices. Apple Computer, Inc. at 6-7; ROLM at 2-3. Public safety licensees in the 1910-1930 MHz band should not be included in the exemption from mandatory relocation. However, these licensees should be given priority for relocation in other available bands, including the government frequencies in the 1710-1850 MHz. Apple's proposal for accommodating these licensees also should be considered.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert F. Aldrich", is written over a horizontal line.

Albert H. Kramer
Robert F. Aldrich
KECK, MAHIN & CATE
1201 New York Avenue, N.W.
Penthouse Suite
Washington, D.C. 20005
(202) 789-3400

Attorneys for North American
Telecommunications Association